

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELI DAMON,

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Plaintiff

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v.

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DENNIS HUKOWICZ, individually and as
Chief of the Hadley Police Department, the TOWN
OF HADLEY POLICE DEPARTMENT,
MITCHELL KUC and MICHAEL MASON

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C.A. NO. 11-CV-30203-KPN

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Defendants

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ORDER

It is hereby ordered and adjudged as follows:

Bicyclists shall have the right to use all public ways in the Commonwealth of Massachusetts except limited access or express state highways where signs specifically prohibiting bicycles have been posted. Route 9 is a public way that bicyclists have the right to use. In using public ways, bicyclists shall be subject to the traffic laws and regulations of the Commonwealth of Massachusetts except as provided in Massachusetts General Laws Chapter 85, § 11B. Under Massachusetts Law, bicyclists are entitled to ride in a position anywhere within a single lane on a roadway, but have a duty to facilitate overtaking by motor vehicles as required by Chapter 89, § 2. That is, a slower traveling bicyclist is required by Massachusetts Law to pull to the right to allow a faster traveling motorist to pass when it is objectively safe to do so under the circumstances. Bicyclists are prohibited from unnecessarily obstructing the normal movement of traffic. Both motorists and bicyclists may only pass when it is objectively safe to do so and only in an objectively safe manner.

This order does not relieve motorists and bicyclists from complying with the applicable traffic laws, regulations and town bylaws as they may exist now or in the future. Moreover, nothing in this order shall limit the authority of any law enforcement official to enforce the applicable traffic laws, regulations and town bylaws in existence now or in the future, as well as to carry out any other legitimate law enforcement activity.

So ordered,

Date:

Kenneth P. Neiman,
United States Magistrate Judge